



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantownwv.gov

July 18, 2013

City Neon, Inc.
c/o Michelle L. Boyers
P.O. Box 40
Morgantown, WV 26505

**RE: V13-24 / Perks / 1899 Earl Core Road
Tax Map 33, Parcel 52**

Dear Ms. Boyers,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369.07(l) as it relates to wall signs at 1899 Earl Core Road.

The decision is as follows:

Board of Zoning Appeals, July 17, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a sixteen (16) square foot variance from the maximum wall sign standard provided under Article 1369.07(l)(1) as requested.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V13-24 / Perks / 1899 Earl Core Road

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The petitioner has removed the existing nonconforming sign and will be replacing same with a new sign that will be smaller in area. The width of the subject storefront is approximately 20 feet and the distance between the storefront and the adjoining curb line of Earl Core Road is approximately 120 feet from, which appears to merit a sign larger in area than otherwise permitted by-right.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There are a number of wall signs within the Earl Core Road commercial corridor that exceed the maximum wall sign area standard, many of which have been granted variance relief including for the Walgreens, Goodwill, Southern States, J.D. Byrider, and AutoZone establishments.

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed sign appears to be consistent with other signage within the immediate commercial corridor.

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance relief requested cannot contribute to nor mitigate existing traffic congestion; will not alter the existing land use characteristics within the immediate commercial area; and, will continue a commercial signage messaging characteristic that appears to be prevalent within the commercial corridor.